

COUNTY OF SUFFOLK



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DEPARTMENT OF LAW

February 17, 2023

Hon. Margo K. Brodie, Chief U.S.D.J.  
United States Federal Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Newkirk v. County of Suffolk, et al.  
Docket No. 17-cv-2960 (MKB)(PK)

Dear Chief Judge Brodie:

The Suffolk County Attorney's Office represents Defendant Police Officer Mark Pav in the above-referenced matter, as well as the County of Suffolk to whom summary judgment was granted on March 18, 2022 [DE 44], but judgment has not yet been entered terminating the municipality from the docket. As can be gleaned from a review of the docket, I filed a Notice of Appearance in this matter on February 14, 2023 [DE 45], along with a motion to withdraw Brian Mitchell as the attorney of record since he has retired from this Office.

This Office is in receipt of the Court's February 3, 2023 Order directing that the parties file a joint proposed pretrial order on or before March 3, 2023. Upon being assigned this case and briefly reviewing the docket sheet and this Order, I contacted Plaintiff's attorneys, Michael Brown, Christopher Bianco and Brian Egan, via e-mail to discuss the matter and acquire their consent for me to request an extension of time to file the proposed joint pretrial order so that I can acclimate myself with the facts of the case and the proceedings to effectively draft my portions of the pretrial order. Based on my communications with them and their consent, I write the Court at this time to respectfully request a 90-day extension of time to file the proposed joint pretrial order to June 5, 2023.

As I indicated to opposing counsel, this case marks one of a number of cases of Mr. Mitchell's that I was assigned following his departure and need to acclimate myself with to move forward. Additionally, I am scheduled to commence trial in the Eastern District before the Honorable Joan M. Azrack, U.S.D.J., on February 27, 2023 in the matter of *Costanzo v. County of Suffolk, et al* (16-cv-3871 (JMA)(ARL)). Following that, I am starting another trial in the Eastern District before the Honorable Gary R. Brown, U.S.D.J., on April 17, 2023 (*McDevitt v. County of Suffolk, et al* (16-cv-4164 (GRB)(ST))) with a number of other depositions scheduled and motions due in between these trials. This 90-day extension will permit me to familiarize myself with this case so

that I may meet-and-confer with opposing counsel effectively to prepare the proposed joint pretrial order and move forward with the case.

I thank the Court for its consideration of this submission and opposing counsel for their consent to this application.

Respectfully submitted,

Dennis M. Cohen  
County Attorney

By: /s/ Stacy A. Skorupa  
Stacy A. Skorupa  
Assistant County Attorney

CC: Counsel for all parties (via ECF)